

Guzman v Rozenberg
2022 NY Slip Op 30656(U)
March 3, 2022
Supreme Court, New York County
Docket Number: Index No. 158996/2020
Judge: J. Machelles Sweeting
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This opinion is uncorrected and not selected for official publication.

**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. J. MACHELLE SWEETING PART 62

Justice

-----X

RICHARD GUZMAN,

Plaintiff,

- v -

MICHAEL ROZENBERG, VIVIAN ROZENBERG, YENNISA MARTE,

Defendants.

-----X

MICHAEL ROZENBERG, VIVIAN ROZENBERG

Plaintiffs,

-against-

THE CITY OF NEW YORK, NEW YORK CITY DEPARTMENT OF TRANSPORTATION

Defendants.

-----X

INDEX NO. 158996/2020
MOTION DATE 10/27/2021
MOTION SEQ. NO. 001

DECISION + ORDER ON MOTION

Third-Party
Index No. 595750/2021

The following e-filed documents, listed by NYSCEF document number (Motion 001) 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38
were read on this motion to/for CONSOLIDATE/JOIN FOR TRIAL.

Pending before the court is a motion filed by defendants/third-party plaintiffs MICHAEL A. ROZENBERG and VIVIAN J. ROZENBERG seeking an order directing that the instant action (“Action 1”) be consolidated for joint discovery and trial with Yennisa Cabral Marte vs. Michael A. Rozenberg et al., Index No. 157425/2021 (“Action 2”), and that each matter retain its own index number.

No opposition was filed to this motion.

On January 31, 2022, counsel for third-party defendants THE CITY OF NEW YORK and the NEW YORK CITY DEPARTMENT OF TRANSPORTATION informed the court in writing that no opposition was intended. On February 6, 2022, counsel for defendant YENNISA MARTE did the same.

Counsel for plaintiff did not reply to courtesy emails from the court, sent on January 31, 2022, February 7, 2022 and February 14, 2022. Accordingly, plaintiff is presumed to also have no opposition to this motion.

Accordingly, it is hereby

ORDERED that the motion is GRANTED, without opposition, and that Action 1 and Action 2 are consolidated for joint discovery and trial; and it is further

ORDERED that the Clerk of the Court is directed to amend the caption to reflect the substitution of the parties and consolidation as follows:

-----X
INDEX NO. 158996/2020
RICHARD GUZMAN,
Plaintiff,
- v -
MICHAEL ROZENBERG, VIVIAN ROZENBERG, YENNISA
MARTE,
Defendants.

-----X
MICHAEL ROZENBERG, VIVIAN ROZENBERG
Plaintiffs, Third-Party
Index No. 595750/2021
-against-
THE CITY OF NEW YORK, NEW YORK CITY DEPARTMENT
OF TRANSPORTATION
Defendants.

-----X
YENNISA CABRAL MARTE, INDEX NO. 157425/2021
Plaintiffs,
- v -
MICHAEL ROZENBERG, VIVIAN ROZENBERG,
Defendants.

-----X
and;

It is further hereby

ORDERED that the movants shall serve a copy of this Order with Notice of Entry by regular mail on all parties and the persons entitled to notice, including the Clerk of the Court.

This constitutes the decision and order of the court.

<u>3/3/2022</u>			
DATE		J. MACHELIE SWEETING, J.S.C.	
CHECK ONE:	☐ CASE DISPOSED	☒ NON-FINAL DISPOSITION	
	☒ GRANTED ☐ DENIED	☐ GRANTED IN PART	☐ OTHER
APPLICATION:	☐ SETTLE ORDER	☐ SUBMIT ORDER	
CHECK IF APPROPRIATE:	☐ INCLUDES TRANSFER/REASSIGN	☐ FIDUCIARY APPOINTMENT	☐ REFERENCE